



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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MARY F. MCTIGUE
DIRECTOR

October 18, 1988
AO-88-31

A. Gordon Price
Chairman
Massachusetts Committee to
Save the Family Farm
P.O. Box K
15 Great Road
Bedford, MA 01730

Dear Mr. Price:

This letter is in response to your request for an advisory opinion.

You have questioned whether an arrangement, whereby fifty percent of the campaign contributions received by a political committee organized to either promote or oppose a ballot question would be diverted to a separate non-political fund, would be permissible under the provisions of M.G.L. c.55.

Specifically, you have stated that it has been suggested that two or more political committees organized on both sides of Question 3, the Humane Farming Initiative (the "Contributing Committees"), execute an agreement whereby when either side of the initiative petition spends a dollar on the campaign it will also provide a dollar to a fund for humane farming. This fund would be administered by a group comprising a number of persons with an interest and/or expertise in farming matters.

Section 6 of M.G.L. c.55 states, in pertinent part: "[a]...political committee, duly organized, may receive, pay and expend money or other things of value for...the principle, for which the committee was organized so long as such expenditure is not primarily for...any...person's personal use..." (emphasis added).

The regulations promulgated under M.G.L. c.55 more specifically describe the type of permissible expenditures, among them charitable contributions. Section 2.06(3)(a) of 970 C.M.R. states that charitable contributions may be made by a political committee, provided the following conditions are met:

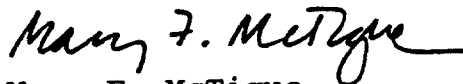
1. The contribution is made to an entity which is subject to either M.G.L. c.12, s. 8(f), M.G.L. c. 67 or M.G.L. c. 180;
2. Neither the treasurer nor any official of the political committee is a trustee, officer, principal or beneficiary or involved in any manner in the operations of said entity;
3. Neither the treasurer nor any official of the political committee is related by consanguinity or affinity to any trustee, officer, principal or beneficiary of said entity;
4. Making such charitable contributions is a usual and customary practice of that political committee;
5. The political committee will receive publicity and foster political goodwill as a result of making the contribution.

It is the opinion of this office that the Contributing Committees may not make expenditures unless they meet the requirements of M.G.L. c.55, including the above-cited regulations with respect to charitable contributions. It is the opinion of this office that incidental expenditures made to charitable organizations, which expenditures support the primary purpose for which each such committee was organized (in this instance, to oppose or promote Question No. 3) would be permissible under the campaign finance law. This office would not consider charitable contributions amounting to fifty percent of each committee's total expenditures to be of an incidental nature, however.

This opinion has been rendered solely on the basis of the representations made in your letter and the letter of John Straub attached thereto.

Should you have additional questions please do not hesitate to contact this office.

Very truly yours,



Mary F. McTigue
Director

MFM/ba